

REPORT - PLANNING COMMISSION MEETING
June 9, 2005

Project Name and Number: Dusterberry Townhomes (PLN2005-00232)

Applicant: The Riding Group

Proposal: To consider (a) a General Plan Amendment to change the land use designation of a 1.92-acre site from Community Commercial Center to Medium Density Residential, 18-23 du/ac; (b) an Amendment to the Centerville Specific Plan to allow a Medium Density Residential Use In Subarea 6; and (c) a Rezoning of the site from C-C (CSPC), Community Commercial (Centerville Specific Plan Overlay), to R-3-23 (CSPC), Multi-family Residence District.

Recommended Action: Recommend to the City Council as proposed.

Location: 37010 Dusterberry Way (U.S. Post Office of Fremont)

Assessor Parcel Number(s): Portion of 501-0455-022-08

Area: Proposed Area is 1.92 Acres (of the 5.724 acre U.S. Post Office parcel)

Owner: United States of America

Agent of Applicant: Kendall Riding, The Riding Group

Consultant(s): KTGy, Architect
Lowney Associates, Environmental and Geotechnical
Charles W. Davidson Co., Civil Engineer
Wilson, Ihrig & Associates, City-selected Noise Consultant

Environmental Review: A Mitigated Negative Declaration has been prepared and circulated for this project.

Existing General Plan: Community Commercial Center

Existing Specific Plan: Centerville Specific Plan (CSPC)—Subarea 6 of CSPC

Existing Zoning: C-C (CSPC), Community Commercial (Centerville Specific Plan Overlay)

Existing Land Use: On proposed 1.92-acre project area—vacant; Fremont Main Post Office

Public Hearing Notice: A total of 205 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Lassen Street, Holly Street Thornton Avenue, Hansen Avenue, Baine Ave, among others. The notices to owners and occupants were mailed on May 27, 2005. A Public Hearing Notice was delivered to The Argus on May 23, 2005 to be published by May 26, 2005.

Executive Summary: The project consists of (a) a General Plan Amendment to change the land use designation of a 1.92-acre site from Community Commercial Center to Medium Density Residential, 18-23 du/ac; (b) an Amendment to the Centerville Specific Plan to allow a Medium Density Residential Use In Subarea 6; and (c) a Rezoning of the site from C-C (CSPC), Community Commercial (Centerville Specific Plan Overlay), to R-3-23 (CSPC), Multi-family Residence District. The project site is currently part of the U.S. Post Office Fremont Main parcel located on northeast corner of Dusterberry Way and Hansen Avenue. The applicant is in the process of purchasing the site from the U.S. Postal Service and processing a Tentative Parcel Map with the City. The development of a multi-family residential project is anticipated on the

site. Staff recommends that the Planning Commission recommend the proposed project and accompanying environmental document to the City Council for approval.

Background and Previous Actions: The proposed project area encompasses 1.92 acres of the current 5.724 acre U.S. Post Office parcel. Based on old aerial photographs from 1939 to 1965, the use of the site appears to have been agricultural, cultivated with an orchard. No structures of any kind were known to have existed on the site, and the site remains undeveloped in its present condition.

Project Description: The project is a General Plan Amendment to change the land use designation of a 1.92-acre parcel from Community Commercial Center to Medium Density Residential, 18-23 dwelling units per acre; an amendment to the Centerville Specific Plan to allow a Medium Density Residential use in Subarea 6; and a Rezoning of the site from C-C (CSPC), Community Commercial (Centerville Specific Plan Overlay), to R-3-23 (CSPC), Multi-family Residence District (Centerville Specific Plan Overlay). The proposed 1.92-acre parcel will be created by a Parcel Map subdivision that would split the existing 5.724 acre U.S. Post Office parcel (37010 Dusterberry Way) into two separate parcels: the U.S. Post Office would be retained on the larger 3.8-acre parcel created; and the remainder 1.92-acre parcel at the corner of Dusterberry Way and Hansen Avenue would subsequently be developed with an anticipated multi-family housing project. The project is thus necessary to facilitate the proposed development, which would consist of approximately 41 dwelling units on the site.

The entitlement process will include subsequent evaluation by the Planning Commission for a Finding for Site Plan and Architectural Approval (SPAA), Preliminary Grading Plan and Tentative Tract Map for subdivision. A conceptual plan is provided for illustrative purposes (Informational 2). The purpose of the conceptual plan is only to demonstrate that the minimum density (20.5 dwelling units per acre) can be achieved on the project site at some future date.

Community Engagement: The Riding Group, applicant, conducted a neighborhood meeting on May 25, 2005 to provide information about their proposed project, gather neighborhood input and create a dialogue with the existing neighborhood. Staff has learned that five residents attended this meeting. According to the applicant, these five residents were generally supportive of the project. The applicant has also offered to conduct future neighborhood meetings and/or to individually meet with neighbors, particularly for those who were unable to attend the first meeting.

Applicant's General Plan and Rezoning Justification: The applicant has provided a General Plan Amendment (GPA) and Rezoning Justification Statement (Informational 1) which describes how the GPA and Rezoning would implement the Fundamental Goals and Housing Goals of the General Plan as they relate to land uses. In summary, the applicant explains that the 1.92-acre site has been designated by the Postal Service as surplus land for some time and that the Post Office has no intentions of expanding the main office facility onto this area. The applicant describes that the project would implement the fundamental goals of the General Plan in that it would allow the opportunity to "locate additional housing closer to job centers and major transit corridors" and, "contribute to the regional jobs/housing balance". The applicant also notes that the project location "leverages adequate existing infrastructure and services rather than requiring expensive investment in infrastructure extensions". Additional benefits to the City are also mentioned, and the applicant anticipates no environmental impact would result from the proposed project or subsequent development of the in-fill site with housing. The in-fill site currently consists of a vacant parcel, with existing street improvements on Dusterberry Way and Hansen Avenue.

PROJECT ANALYSIS:

Site Planning: The proposed site is currently vacant and contains low-lying grass, shrubs and some barren land. The site is completely surrounded by existing residential development, religious facilities, and the U.S. Post Office Fremont Main facility. There are remnants of a previous orchard on the site. The proposed project site is surrounded by the Main Post Office to the northwest; Immanuel Presbyterian Church (4333 Hansen Ave.) to the northeast; New Grace Baptist Church to the southeast; single-family residential homes to the southwest (across Dusterberry Way); and, a multifamily development, Country Club Apartments to the south. The surrounding land use designations, which all include the Centerville Specific Plan Overlay (CSPC), are: C-C, Community Commercial Center to the northwest (U.S. Post Office and retail); C-O, Administrative Office to the northeast, Low Density Residential (5-7 du/ac) to the southwest and southeast; and Medium Density Residential (15-18 dwelling units per acre) to the south. Street improvements, including

street trees (Privets), curb and gutter, were previously installed. Subsequent development of the site with a housing project would require modifications to the existing public right-of-way improvements.

Site Plan and Architectural Approval (SPAA) through the Finding process will subsequently be required for the development of housing on this site, subject to the approval of the Planning Commission. The conceptual plan (Informational 2) is provided for illustrative purposes. While conceptual, this plan demonstrates that a housing project can be developed on the site to achieve the midpoint (20.5 du/ac) of the residential land use density range proposed, i.e., 18-23 du/ac.

General Plan Conformance: The existing General Plan land use designation for the project site is Community Commercial. The proposed project includes a General Plan Amendment to change the land use designation from Community Commercial to Medium Density Residential, 18-23 DU/AC, and corresponding rezoning to R-3-23 as mentioned below, which would allow the opportunity for a multi-family residential development on the site, consistent with the goals, policies and objectives of the General Plan.

Housing Goals

Goals H2 and H3: The proposed project is compatible with these two residential goals, which identifies “High quality and well-designed new housing of all types throughout the city” (H2); and “Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002” (H3). The parcel is currently vacant and provides an opportunity for additional housing within the Centerville Planning Area. Through the Site Plan and Architectural Approval (SPPA), a multi-family residential development project proposed on the site would be subject to Planning Commission approval to ensure compatibility with the existing neighborhood character, as well as compliance with development regulations. Pursuant to the City’s Inclusionary Ordinance, a minimum of 15 percent of all residential units in any residential project must be made available at affordable rents or affordable housing cost. This is not possible without the General Plan Amendment (Exhibit "A") and Rezoning (Exhibit "B") proposed.

Land Use Goals

Land Use Goal 1.9: The proposed General Plan Amendment is compatible with this land use goal which states, “To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate”. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, and proximity to a collector or arterial street. The proposed project is located in proximity to Centerville Train Station (with Altamont Commuter Express service) and Centerville historic retail district. Additionally, the proposed project would be appropriate in that it would allow the opportunity for additional housing in Subarea 6 of the Centerville Specific Plan, which furthers the goals of providing housing in proximity to the Centerville Train Station and retail district in light of the City's goal of creating a pedestrian-oriented community in Centerville. In addition, the project would allow the R-3, Multi-family development standards to be applied to the future development of the site.

Land Use Policy LU 1.12: The proposed General Plan Amendment is compatible with this land use policy which states, “To the maximum extent feasible, play areas and open spaces shall be located to avoid conflict between residents attempting to reach these facilities and vehicular traffic”. Based on preliminary plans submitted, it is anticipated that common open space and play area would be provided within the site for the enjoyment of the future occupants. This General Plan goal would thus be met.

Land Use Policy LU 1.13 and 1.22: The proposed General Plan Amendment is compatible with this land use policy which states, “Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit though the use of site design, open space, landscaping and appropriate building materials. Multi-family housing units shall be developed with consideration given to the relationship to adjacent development.” Staff concurs with the applicant’s assertion that the proposed project would have the potential to meet or implement the General Plan policies for multi-family residential development. These policies would be applied to the future development of the parcel.

Centerville Specific Plan Amendment: The project site is located in the Centerville Specific Plan Overlay, and is thus subject to the Centerville Specific Plan (CSPC) policies and regulations which guide future development in the Centerville area. The CSPC area consists of approximately 680 acres of the larger Centerville Planning Area. The project site is identified as "Subarea 6" in the CSPC, which includes the U.S. Post Office, Immanuel Presbyterian Church, MacDonald's and other retail stores on Thornton Avenue. Subarea 6 is categorized as a commercial area at Thornton Avenue and Dusterberry Way. The CSPC indicates that no major changes are anticipated in Subarea 6, while it also notes that "the Post Office plans an expansion on an adjacent vacant parcel" (now the proposed project site). The CSPC plan, however, did not envision the development of Subarea 6 with residential uses, particularly on this site which was previously slated for expansion of the Main Post Office.

Subarea 6 (approximately 8.74 acres) is not only the smallest subarea within the twelve subareas of the CSPC, but it is the smallest commercially designated subarea within the CSPC. Existing commercial uses on Thornton Avenue include 2.05 acres on three parcels of Subarea 6. While Subarea 6 provides for some retail and commercial uses, it is not considered the core retail area of Centerville, and much of its area will continue to be occupied by the Main Post Office, likely in perpetuity. The core retail area of Centerville is the historic community business district on Fremont Boulevard in Subarea 1, northeast of Subarea 6. Permitting a medium density residential use within Subarea 6, particularly on the proposed 1.92-acre vacant project site, would not significantly impact the potential for future commercial growth within the Centerville area, as retail/commercial uses are concentrated generally on Fremont Boulevard in Subarea 1. Subarea 6 is also adjacent to Subareas 4, 5, and 7, which areas represent the major opportunity for redevelopment in Centerville with residential development, including a neighborhood park. The proposed project would provide new housing opportunities for existing and future residents of Centerville in a location that is undergoing a land use transition, deemed surplus land by the U.S. Postal Service. In addition, the project site is located just outside of the "five minute walking distance" periphery of the old train station (Centerville Train Station) and historic retail district of Subarea 1.

An amendment to the CSPC is proposed to accommodate the anticipated development of the site with a multi-family residential project, consistent with its area-wide goals of providing new housing opportunities. Staff finds that the residential development guidelines currently existing for Subareas 5, 7 and 11 would be appropriate for a residential project in Subarea 6 and recommends that these guidelines be followed when preparing plans for the future development of a residential project on this site. The text amendment and land use diagram amendments are proposed in Exhibit "C".

Proposed Zoning Conformance: The proposed project includes a rezoning to the R-3 Multi-family residential zoning district requiring future development on this site to comply with standards and guidelines adopted for the district, as well as with the "Community Design Guidelines for Residential Development" provided in the Centerville Specific Plan. Specifically, the proposed rezoning of the project site is from the C-C (CSPC), Community Commercial District (Centerville Specific Plan Overlay), to the R-3-23 (CSPC), Multi-family Residence District (Centerville Specific Plan Overlay). The following table represents lot and siting requirements, which can be modified through the Site Plan and Architectural Approval (SPPA) process:

R-3-23 Zoning Lot & Siting Standards for Project Site at 37010 Dusterberry Way (1.92-acre site)	
Maximum Building Height	52 feet
Minimum Lot Size	6,000 square feet
Minimum Lot Width	60 feet
Street Frontage	35 feet
Front and Street Side Setback	20 feet
Interior Side and Rear Setbacks	10 feet
Lot Coverage	50 percent
Minimum Common Open Space Area	500 square feet for up to 5 units, plus 50 square feet for each additional unit; one dimension at least 15 feet

The size and configuration of the corner-lot site offers the opportunity for development of a multi-family project consistent with the standards and guidelines of the R-3 District. Through SPPA, a multi-family project can be designed to fit with the character and scale of the existing neighborhood and its surroundings.

Inclusionary Zoning: Future development on the site would be required to meet the City's Inclusionary zoning requirements through the inclusion of at least 15 percent of all residential units of any proposed residential project as Below Market Rate (BMR) units. The exact number of BMR units for the project site will be determined when the Planning Commission subsequently considers the Finding for Site Plan and Architectural Approval.

ENVIRONMENTAL ANALYSIS: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to cultural resources, hydrology/water quality, noise, air quality, and geology/soils. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures will be included as conditions of approval for the future development of the site. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for Planning Commission recommendation to the City Council.

Response from Agencies and Organizations: This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. No comments have been received to date from that Agency.

APPLICABLE FEES:

Development Impact Fees: Any development project subsequently built on this site will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. The development of a residential project on the site will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Centerville Specific Plan Fee: This project is located within Subarea 6 of the Centerville Specific Plan and is subject to fees related to the cost of preparing the Centerville Specific Plan. The plan fee in this subarea is currently \$175.00 per acre of site. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

ENCLOSURES:

Initial Study, Draft Mitigated Negative Declaration
Mitigation Monitoring Program
Informational 1 Applicant's General Plan Amendment Justification Letter
Informational 2 Conceptual Site Plan

EXHIBITS:

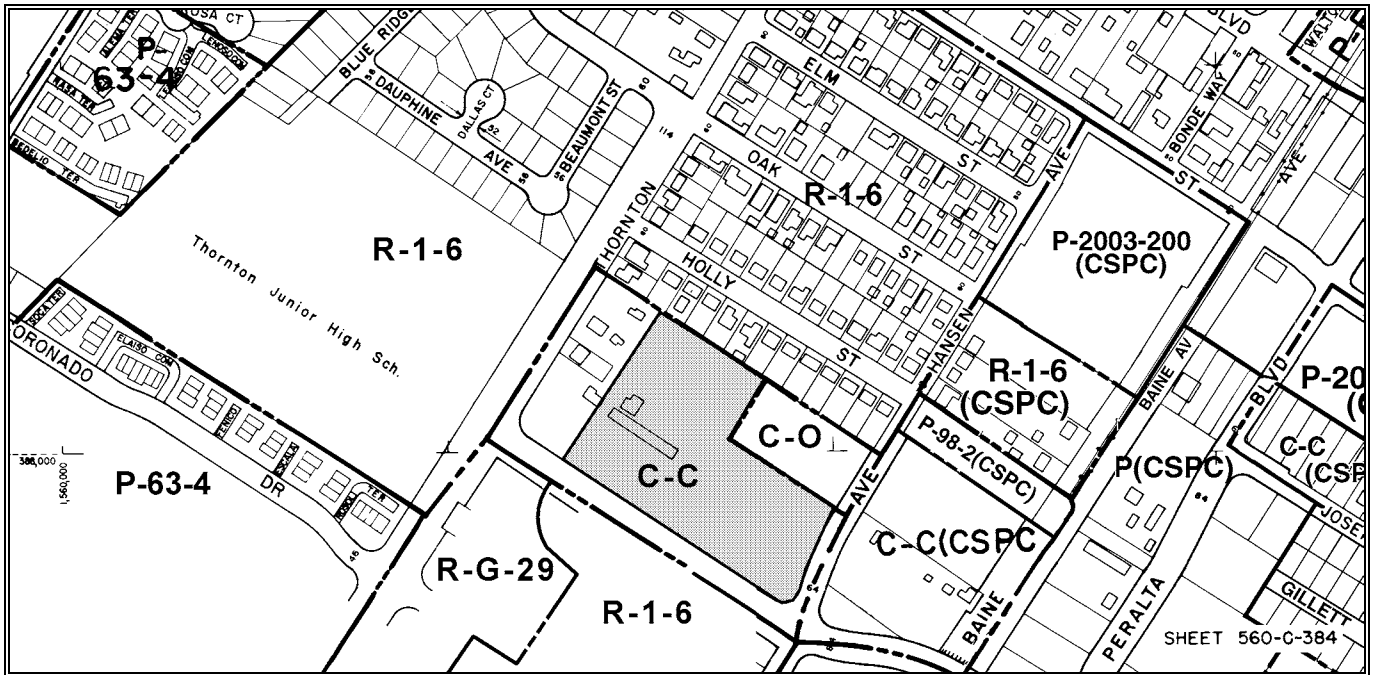
Exhibit "A"	General Plan Amendment
Exhibit "B"	Rezoning
Exhibits "C", "C1" and "C2"	Amendment to Centerville Specific Plan—Text and Diagrams
	Initial Study, Draft Mitigated Negative Declaration and Certificate of Fee Exemption, Mitigation Monitoring Program

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources. As a result, recommend the filing of a Certificate of Fee Exemption for the project.
3. Recommend to the City Council the adoption of Draft Mitigated Negative Declaration finding that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further find that this action reflects the independent judgment of the City of Fremont.

4. Recommend to the City Council approval of the Mitigation Monitoring Plan for the project.
5. Find that the project is in conformance with the relevant provisions contained in the City's General Plan and Centerville Specific Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters and Centerville Specific Plan as enumerated within the staff report.
6. Recommend to City Council approval of PLN2005-00232 to amend the General Plan land use designation for the project in conformance with Exhibit "A" (General Plan Amendment Exhibit).
7. Recommend PLN2005-00232 to the City Council to amend the zoning map in conformance with Exhibit "B" (Rezoning Exhibit).
8. Recommend PLN2005-00232 to the City Council a Resolution to adopt Exhibit "C", "C1" and "C2" (Amendment to Centerville Specific Plan—Text and Diagrams).

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

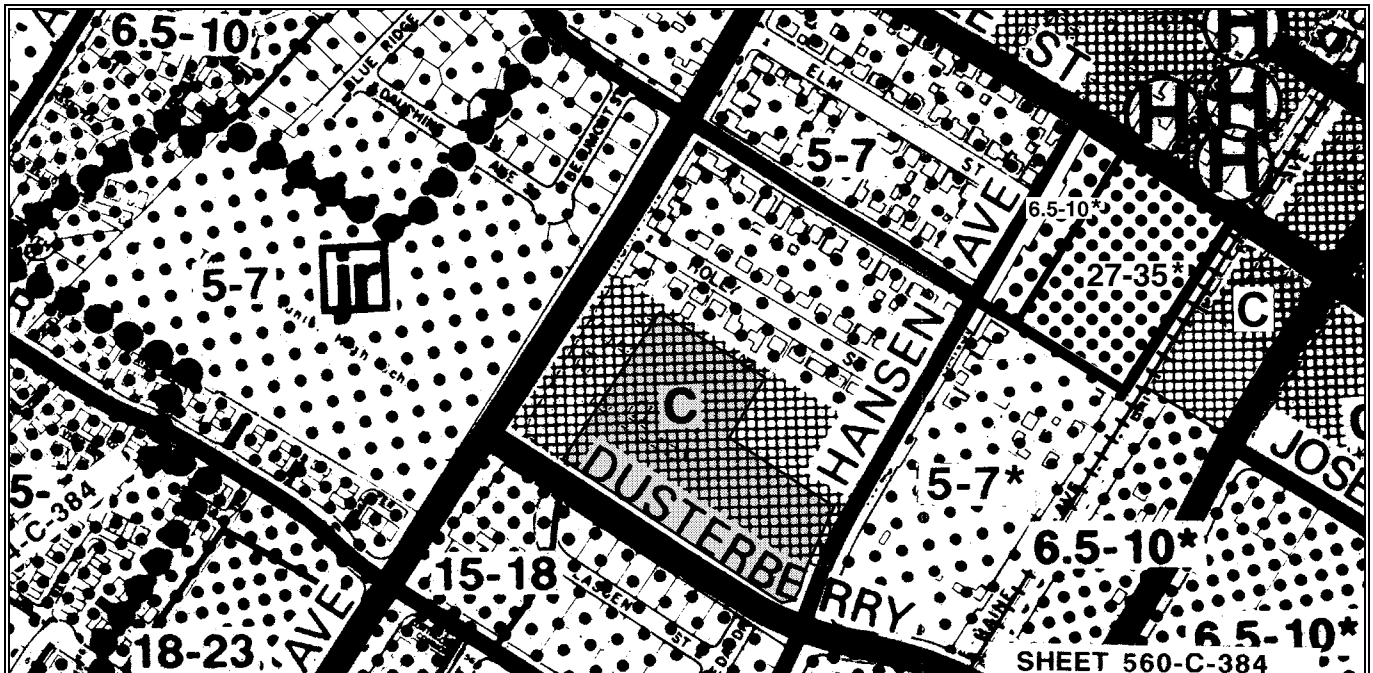


EXHIBIT “A”

Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05 .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTERVILLE PLANNING AREA



From: Community Commercial

To: Residential, Med 18-23 du/ac

Project Name: Dusterberry Townhomes

Project Number: PLN2005-00232 (gpa)

[pc on 06-09-2005] 60-384, 60-388



EXHIBIT “C1”

Attached to and made a part of

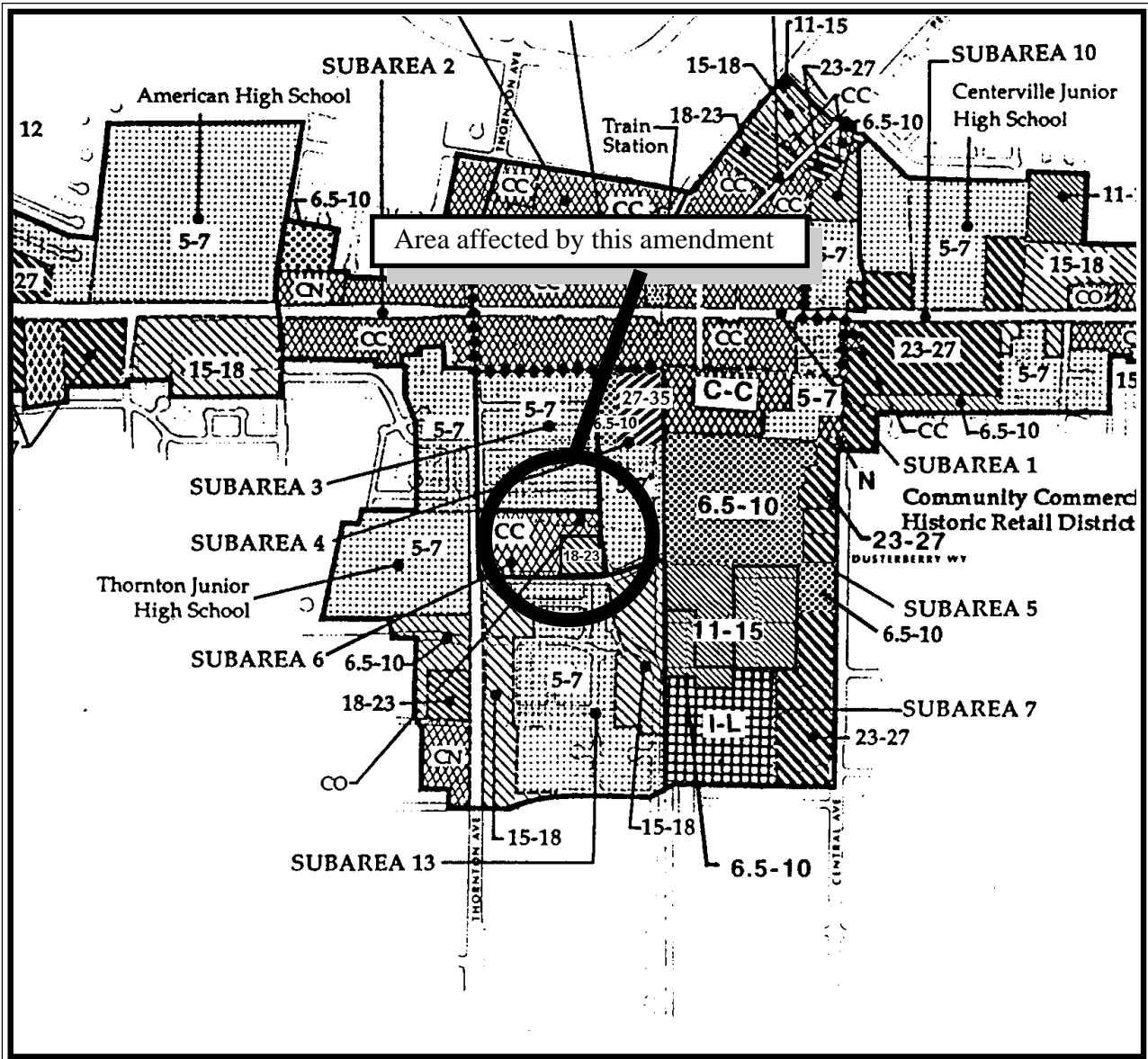
Resolution No._____

adopted by the City Council of the City of Fremont, California

On the _____ day of _____, 20_05_.

CENTERVILLE SPECIFIC PLAN OVERLAY (SECTION)

AFFECTS Figure C-1 Planned Land Uses, in the CENTERVILLE SPECIFIC PLAN



From: Community Commercial

To: Residential, Med 18-23 du/ac

***Project Name:* Dusterberry Townhomes**

Project Number: PLN2005-00232 (cspc)

[pc on 06-09-2005] 60-384, 60-388



EXHIBIT “C2”

Attached to and made a part of

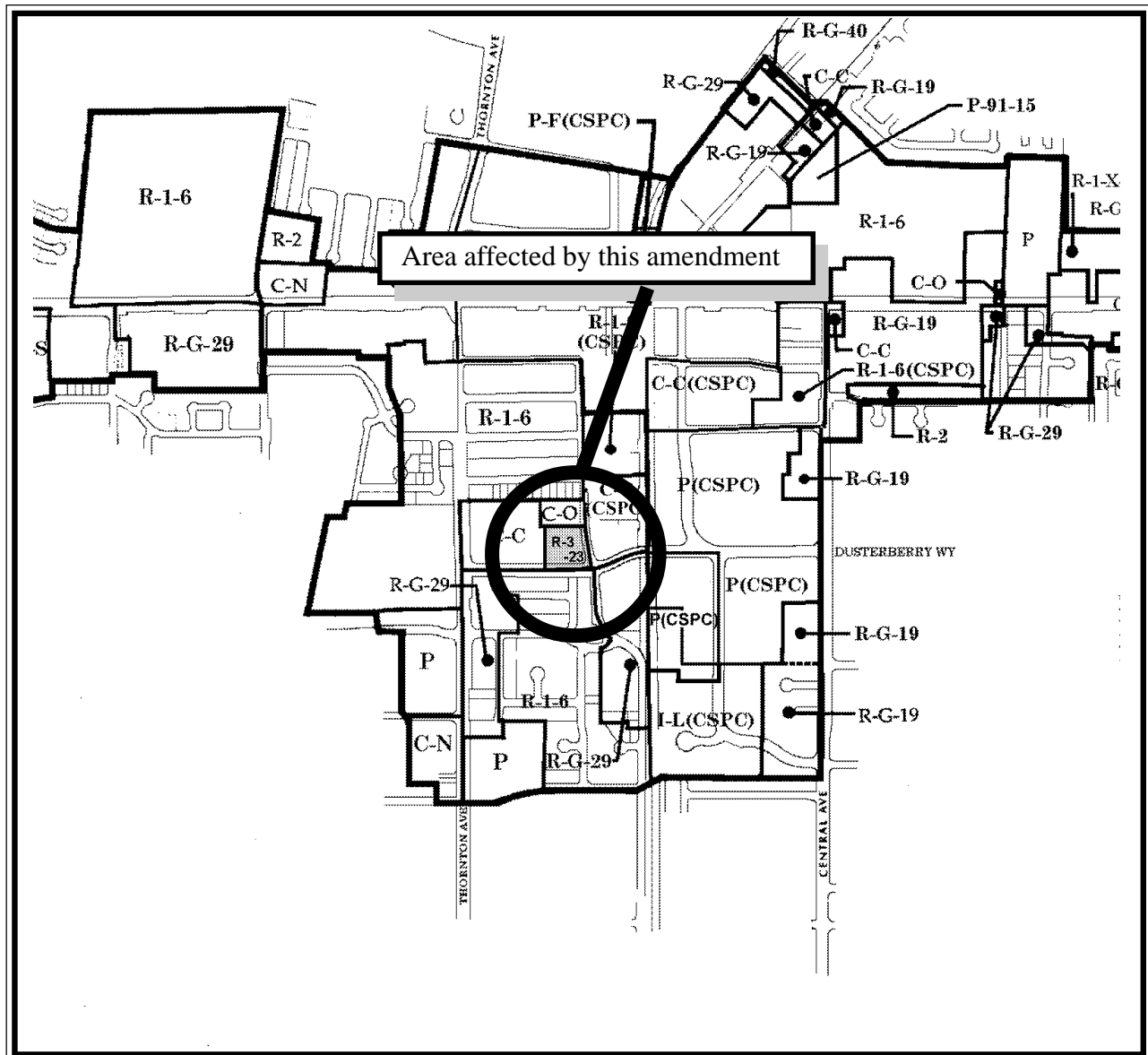
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 05** .

CENTERVILLE SPECIFIC PLAN OVERLAY (SECTION)

AFFECTS Figure D-1 Zoning Districts, in the CENTERVILLE SPECIFIC PLAN



From: C-C(CSPC)

To: R-3-23(CSPC)

Project Name: Dusterberry Townhomes

Project Number: PLN2005-00232 (cspc)

[pc on 06-09-2005] 60-384, 60-388

